

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KW-#8437  
(Inmate Number)

Antoine M. Black  
(Name of Plaintiff)

SCI Rockview, Box A  
(Address of Plaintiff)

Bellefonte, PA. 16823-0820

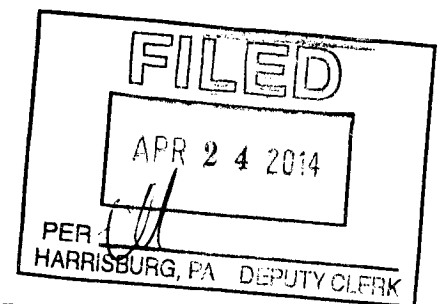
vs.

Vincent M. Monfredo, Esquire

\_\_\_\_\_  
(Names of Defendants)

1:14-CV-788  
(Case Number)

COMPLAINT



TO BE FILED UNDER:   X   42 U.S.C. § 1983 - STATE OFFICIALS

       28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

None.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?  
       Yes   X   No (Lawsuit against an attorney)

- B. Have you filed a grievance concerning the facts relating to this complaint?  
       Yes   X   No

If your answer is no, explain why not Lawsuit against attorney.  
\_\_\_\_\_

- C. Is the grievance process completed?        Yes   X   No (Never filed a grievance)

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant Vincent . Monfredo, Esquire is employed  
as attorney at 5000 Ritter Road, Suite: #202  
Mechanicsburg, PA. 17055

B. Additional defendants None.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. Defendant Monfredo failed to file an Amended Complaint  
within twenty (20) days, as ordered from Judge Conner, which  
caused Plaintiff's Civil Action to be dismissed without prejudice.  
\_\_\_\_\_

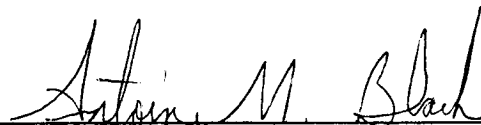
2. Defendant Monfredo sent a letter to Plaintiff, admitting  
he committed malpractice, and stated Plaintiff can file a  
malpractice claim against him.  
\_\_\_\_\_

3. Defendant Monfredo committed negligence and malpractice against  
Plaintiff, violating Plaintiff's Sixth (6th) Amendment Right  
to effective assistance of counsel.  
\_\_\_\_\_

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

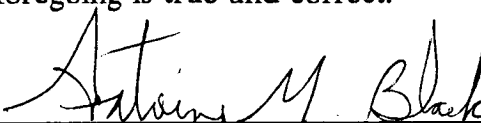
1. Punitive Damages of \$100,000 dollars, Compensatory Damages  
of \$50,000 Dollars, Declatory Relief, fees and costs pursuant  
to 42 U.S.C.S. § 1988.
2. Order Defendant Monfredo to pay the \$350.00 Dollar filing  
fee for Plaintiff, to bring in this Court action in,  
Order Defendant Monfredo to pay attorney fees.
3. And such other cost and fees allowed by law, and any other  
relief as the Court deems just and equitable.

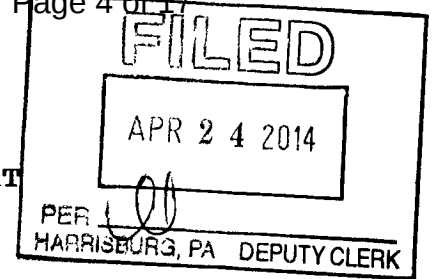
Signed this 20th day of April, 2014.

  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

April 20, 2014  
(Date)

  
(Signature of Plaintiff)



IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

ANTOINE M. BLACK,  
Plaintiff

V.

VINCENT M. MONFREDO, ESQUIRE,  
Defendant

:  
: CIVIL ACTION-LAW  
:  
: Docket No.: \_\_\_\_\_  
:  
: (JURY TRIAL DEMANDED)  
:  
: HONORABLE U.S. JUDGE  
:  
:  
:

PLAINTIFF'S 42 U.S.C.S. § 1983 CIVIL COMPLAINT

TO THE HONORABLE U.S. JUDGE, OF ABOVE SAID COURT:

PLAINTIFF alleges:

I. JURISDICTION and VENUE

1. This action arises under The United States Constitution, under the provisions of The Sixth (6th) Amendment of The United States Constitution, and under Federal Law, particularly, The Civil Rights Act of 1871, 42 U.S.C.S. Section § 1983.

2. This Court has subject matter jurisdiction of this case, under 28 U.S.C.S. § 1343.

3. Venue is proper in this Court, pursuant to 28 U.S.C.S. § 1391(b)(2).

4. Plaintiff asserts, to state a claim under 42 U.S.C.S. Section § 1983, Plaintiff must assert:

(A). Allege a violation of rights secured by The united States Constitution, and the laws of The united States, and;

(B). Violation of that right under The Color of State Law.

## II. PARTIES

5. Plaintiff Antoine M. Black, is an individual currently incarcerated at The State Correctional Institution, Rockview, a DOC facility, address is Box A, bellefonte, Pennsylvania 16823-0820. Phone Number: (814)-355-4874.

6. Defendant Vincent M. Monfredo, Esquire, was appointed by The Honorable U.S. Judge, Christopher C. Conner, to represent Plaintiff in a Civil Action. Defendant Monfredo's address is 5000 Ritter Road, Mechanicsburg, Pennsylvania 17055. Phone Number is (717)-585-2064, Fax Number: (888)-959-1331.

7. Defendant Vincent M. Monfredo, Esquire, is being sued in his official and individual capacity, under The Color of State Law.

## III. FACTS

8. On May 14, 2013, The Honorable U.S. Magistrate Judge, Christopher C. Conner appointed Defendant Monfredo to represent Plaintiff in a Civil Action.

9. In October of 2013, Defendant Monfredo contacted Plaintiff at SCI Rockview, Mr. Monfredo told Plaintiff he was taking his case, Mr. Monfredo told Plaintiff he would examine the case at no cost to Plaintiff.

10. Plaintiff wrote Defendant Monfredo numerous times, concerning Plaintiff's case, yet Defendant Monfredo never responded to any of Plaintiff's letters.

11. On February 11th, 2014, The Honorable U.S. Magistrate Judge, Christopher C. Conner, issued an order, stating, "The Court granted the Motion To Dismiss by Defendants City of Harrisburg and Detective Donald Heffner without prejudice, for Plaintiff's Antoine M. Black's procedural due process claim against Detective Heffner under Count I and stated Plaintiff's failure to file an Amended Complaint within twenty (20) days, shall be deemed an abandonment of the action, and it appearing Plaintiff has failed to file an Amended Complaint."

(See Exhibit "A").

12. Plaintiff wants to state to this Honorable Court, Defendant Monfredo, never mentioned anything to Plaintiff about the deadline set by Judge Conner, concerning filing an Amended Complaint within twenty (20) days.

13. On March 3, 2014, Defendant Monfredo sent a letter to Plaintiff, saying, "Mr. Black, I apologize, but I mishandled your case. I believe you should seek counsel and file a

malpractice suit against me. I have enclosed the order dismissing your Civil Case. It's in your best interest to contact a lawyer and discuss filing a malpractice claim against me.

(See Exhibit "B").

14. Plaintiff asserts to this Honorable Court, Defendant Monfredo's negligence and without due care, failed to file an Amended Complaint, within twenty (20) days, as ordered by Judge Connor, which resulted in Plaintiff's Civil Action being dismissed without prejudice.

15. Plaintiff asserts to this Honorable Court, Defendant Monfredo's negligence, malpractice, and without due care, violated Plaintiff's Sixth (6th) Amendment Right to effective assistance of counsel, by not informing Plaintiff, Judge Connor ordered an Amended Complaint to be filed within twenty (20) days.

16. Plaintiff asserts to this Honorable Court, Defendant Monfredo's negligence, malpractice, and without due care, abandoned Plaintiff, and did not take any steps to protect and advance Plaintiff's interest.

17. Plaintiff avers to this Honorable Court, when Plaintiff found out from Judge Connor, his Civil Action was dismissed without prejudice, Plaintiff was seized with great shock to his nervous system, suffered great pain and mental anguish, suffered insomnia, loss of appetite, became depressed, disconnected from his family, and worried if Plaintiff can ever refile his Civil Action.

**IV. DEFENDANT COMMITTED NEGLIGENCE & MALPRACTICE**

18. Plaintiff wants to show this Honorable Court, The Pennsylvania Superior Court in El Bon EE Baya Ghananee v. Black, 504 A.2d 281, (Pa.Super. 1986), stated, "There are three (3) essential elements which must be established in order to bring action of malpractice against an attorney, which are:

(A). The employment of the attorney, or other basis for his obligation to act as an attorney;

(B). The failure of the attorney to exercise ordinary skill and knowledge, and;

(C). Negligence of the attorney, which was the proximate cause of damage to the Plaintiff. See, Schenkel v. Monheit, 266 Pa.Super. 396, 405 A.2d 493, (1979); Bangert v. Harris, 553 F.Supp. 235 (M.D. PA. 1982).

19. Plaintiff wants to show this Honorable Court, Plaintiff's attorney for his Civil Action, was Defendant Monfredo, who was appointed by Judge Connor, Defendant Monfredo, acted and represented Plaintiff, according to the Court Record, Plaintiff's Complaint further alleges Defendant Monfredo was negligent and committed malpractice in his representation, by not filing an Amended Complaint, as ordered by Judge Connor, within twenty (20) days, Finally, Plaintiff alleges the negligence and malpractice of Defendant Monfredo, resulted in Plaintiff's Civil Action being dismissed without prejudice, from Judge connor, more importantly, per



Defendant Monfredo's letter to Plaintiff, Defendant Monfredo, admitted he committed malpractice against Plaintiff, and encouraged Plaintiff to file a malpractice claim against Defendant Monfredo.

#### V. CLAIMS

20. Plaintiff claims, Defendant Monfredo violated Plaintiff's Sixth (6th) Amendment Right to effective assistance of counsel, malpractice, and negligence by:

(A). Not filing an Amended Complaint, as ordered from Judge Connor within twenty (20) days.

(B). Admitting in a letter to Plaintiff, Defendant Monfredo committed malpractice, and Plaintiff can file a malpractice claim against Defendant Monfredo.

(C). Plaintiff is requesting relief in the amount of \$150,000 dollars, due to Defendant Monfredo's personal knowledge, ineffective assistance of counsel, negligence, and malpractice.

(D). Plaintiff wants to show this Honorable Court, because of said acts done by Defendant Monfredo, Plaintiff suffered emotional stress, defamation of character, psychological and mental trauma, unfounded dogma, slander, libel, loss of income, family disruption, weight loss, nightmares, anxiety attacks, immeasuarable stress.

(E). Plaintiff wants to show this Honorable Court, Plaintiff filed A Complaint Form To The Disciplinary Board of The Supreme Court of Pennsylvania, since Defendant Monfredo rendered ineffective assistance of counsel, per Mr. Monfredo's letter to Plaintiff.

(See Exhibit "C").

**VI. CAUSES OF ACTION**

21. Plaintiff incorporates herein reference the allegations of all preceding paragraphs as though each were set forth in its entirety.

22. Plaintiff suffered the harms and damages alleged herein above as a result of the unlawful practices, unlawful acts, and omissions of Defendant Monfredo described in the Complaint.

23. Said unlawful practices, unlawful acts, and omissions, compromised and prejudiced Plaintiff, violating Plaintiff's Sixth (6th) Amendment Right to effective assistance of counsel.

**VII. JURY TRIAL DEMAND**

24. Plaintiff demands a jury determination of all issues so triable.

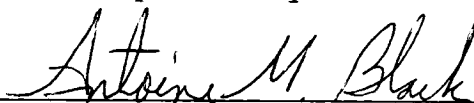
**VIII. RELIEF REQUESTED**

**WHEREFORE**, for the foregoing reasons, Plaintiff humbly asks this Honorable Court, if a jury enters judgement in Plaintiff's favor against Defendant Monfredo, to award him:

- a). Punitive Damages of \$100,000 dollars from Defendant Monfredo;
- b). Compensatory Damages of \$50,000 dollars against Defendant Monfredo;
- c). Declaratory Relief against Defendant Monfredo;

- d). Fees and costs pursuant to 42 U.S.C. § 1988;
- e). Order Defendant Monfredo to pay \$350.00 dollar filing fee for Plaintiff to bring this court action in;
- f) Order Defendant Monfredo to pay attorney fees, and such other interest cost and fees allowed by law;
- g). Such other relief as the court deems just and equitable.

Respectfully submitted,



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Antoine M. Black  
Plaintiff  
Pro-Se  
DOC: KW-#8437  
SCI Rockview  
Box A  
Bellefonte, Pennsylvania  
16823-0820  
PH: (814)-355-4874

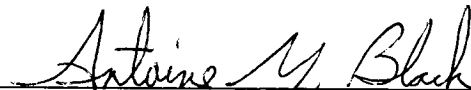
Date: April 20, 2014

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IX. VERIFICATION

I, Antoine M. Black, Plaintiff, pro-Se, hereby state the facts set forth in these legal documents, are true and correct to the best of my knowledge, information, and belief. These statements are made subject to the penalties of 18 U.S.C.S. § 287, 1001, relating to criminal penalty for presenting fraudulent claim, or making false statements, which is a fine, imprisonment, or both.

Respectfully submitted,

A handwritten signature in cursive script, reading "Antoine M. Black", is written over a horizontal line.

Antoine M. Black  
Plaintiff  
Pro-Se  
DOC: KW-#8437  
SCI Rockview  
Box A  
Bellefonte, Pennsylvania  
16823-0820  
PH: (814)-355-4874

Date: April 20, 2014

c.c.file

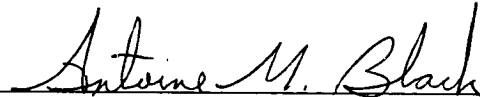
**X. PROOF OF SERVICE**

I, Antoine M. Black, Plaintiff, Pro-Se, declares under the penalty of perjury, I am this day, serving the person listed, in the manner indicated below. The Manner of service, satisfies 28 U.S.C.S. § 1746.

**Service By First Class Mail**  
**addressed as follows:**

U.S. Clerk of Court  
Federal Building & U.S. Courthouse  
228 Walnut Street, P.O. Box 983  
Harrisburg, Pennsylvania 17108

Respectfully submitted,

A handwritten signature in cursive script that reads "Antoine M. Black". The signature is written in dark ink and is positioned above a horizontal line.

Antoine M. Black  
Plaintiff  
Pro-Se  
DOC: KW-#8437  
SCI Rockview  
Box A  
Bellefonte, Pennsylvania  
16823-0820  
PH: (814)-355-4874

Date: April 20, 2014

c.c.file

Exhibit "A"

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ANTOINE M. BLACK,**

**Plaintiff,**

**v.**

**THE CITY OF HARRISBURG,  
PENNSYLVANIA, by the  
HARRISBURG CITY POLICE  
DEPARTMENT, and DETECTIVE  
DONALD HEFFNER including  
UNKNOWN POLICE OFFICERS,**

**Defendants.**

**: CIVIL ACTION NO. 1:11-CV-1912**

**: (Chief Judge Conner)**

**ORDER**

AND NOW, this 11th day of February, 2014, upon consideration of the court's order (Doc. 38), dated December 12, 2013, wherein the court granted the motion to dismiss (Doc. 15) by defendants City of Harrisburg and Detective Donald Heffner without prejudice for plaintiff Antoine M. Black's procedural due process claim against Detective Heffner under Count I and stated that plaintiff's failure to file an amended complaint within twenty (20) days shall be deemed an abandonment of the action, and it appearing that plaintiff has failed to file an amended complaint, it is hereby ORDERED that:

THE LAW OFFICE OF  
VINCENT M. MONFREDO

vmonfredo@gmail.com  
www.vincentmonfredo.com

5000 Ritter Rd.  
Suite 202  
Mechanicsburg, PA 17055

Tel: 717.585.2064  
Fax: 888.959.1331

March 3, 2014

Antoine Black  
Inmate # KW843  
SCI Rockview  
1 Rockview Road  
Bellefonte, PA 16801

Mr. Black,

I apologize but I have mishandled your case. I believe you should seek counsel and file a malpractice suit against me. I have enclosed the order dismissing your civil case. It is in your best interests to contact a lawyer and discuss filing a malpractice claim against me.

Sincerely,



Vincent M. Monfredo, Esquire

Enc.

FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT  
UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

\*\*\*\*\*

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20 % of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

\*\*\*\*\*

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. \_\_\_\_

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. X

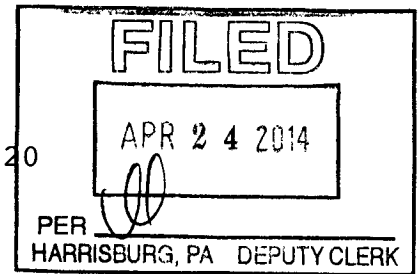
Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS



Antoine M. Black  
DOC: KW-#8437  
SCI Rockview  
Box A  
Bellefonte, Pennsylvania 16823-0820

April 20, 2014



To: U.S. Clerk of Court  
Federal Building & U.S. Courthouse  
228 Walnut Street, P.O. Box 983  
Harrisburg, Pennsylvania 17108

RE: Antoine M. Black v. Vincent M. Monfredo, Esquire  
Docket No.: \_\_\_\_\_

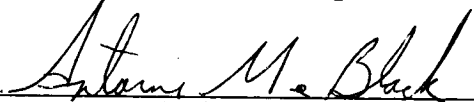
Dear Sir or Maam:

Enclosed for filing, are an original, and three (3) copies of Plaintiff's 42 U.S.C.S. § 1983 Civil Action Law Complaint, in the above captioned matter.

Also enclosed, is a copy for the judge, a copy for Vincent M. Monfredo, and an extra copy, to be date stamped and filed on the docket entry sheet, and returned to me, to the address listed above for proof of filing for my records.

Thank you for your cooperation.

Respectfully submitted,

  
\_\_\_\_\_  
Antoine M. Black  
Plaintiff  
Pro-Se

Date: April 20, 2014

c.c.file

\* Plaintiff invokes, "Prisoner's mailbox Rule," Perry v. DiGulielmo, 169 Fed. App'x 134, 136, N.#3, (3d Cir. 2006), Burns v. Morton, 134 F.3d 109, 113, (3d cir. 1998), as timely filed from date at SCI Rockview Correctional Facility, outgoing mail to Judicial Court and Clerk, and all parties.